REMARKS

The Office Action mailed June 24, 2008 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendment of the Claims

Claims 1-6 are currently pending.

No claims stand allowed.

Claims 1-6 have been amended to more particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims is found in the specification, claims, and figures as originally filed.

The 35 U.S.C. § 102 Rejection

Claims 1-2 and 4 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by Solomon et al.[1] [2] This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.[3]

Claim 1 as presently amended recites:

[1] U.S. Patent No. 6,181,764 to Soloman et al.
[2] Office Action mailed December 24, 2008, at ¶ 1.
[3] Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

A method for reconstructing a radiographic image of a large sized object by bits, the bits being crossed by a diverging radiation produced by a source, the radiation undergoing an attenuation, the attenuation being measured by a mono-dimensional or two-dimensional network of detectors on which the radiation projects, each measurement giving a projection vignette, the source as well as the network of detectors being displaced along the object at each measurement so that projection vignettes overlap, the method comprising a combination of the overlapping vignettes for reconstructing the image, as well as the following steps:

discretising the object into voxels defining reconstruction heights;

associating the voxels with at least one detector respective of the network on which the radiation projects after having crossed the volume;

allocating an attenuation value to each voxel according to the values measured by the associated detector; and

combining the attenuation values of the voxels at the different reconstruction heights to obtain a two dimensional image.

Solomon et al. is not related to a process for reconstructing an image in the case of a large image which must be reconstructed by assembling smaller vignettes with a minimal alteration at the overlapping parts of the vignettes. Solomon et al. uses a stationary detector with a plurality of radiation sources for reconstructing first images of the objects at slices (extending over the area of the object at a particular height), then combining the slice images together to get a final image (See FIG. 6, and col. 9 l. 39 to col. 10 l.38). Soloman et al. is similar to step H in FIG. 4 of the present application, but Soloman et al. does not disclose the combination of overlapping vignettes (extending only over a part of the area of the object) detailed at steps D, E, and F in FIG. 4 of the present application, and as claimed in Claim 1. With this Amendment, Claim 1 has been amended to make this distinction more clear. For at least the above reasons, the Applicant respectfully submits Claim 1 is allowable over the cited art of record and the 35 U.S.C. § 102 Rejection of Claim 1 must be withdrawn.

Dependent Claims 2 and 4

Claims 2 and 4 depend from Claim 1. Claim 1 being allowable, Claims 2 and 4 must also be allowable for at least the same reasons as for Claim 1.

The 35 U.S.C. § 103 Rejection

Claims 3 and 6 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Solomon et al. in view of Bleu.[4] [5] This rejection is respectfully traversed.

According to the M.P.E.P.,

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[6]

Furthermore, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.[7]

Claims 3 and 6 depend from Claim 1. The arguments made above with respect to the 35 U.S.C. § 102 rejection of independent Claim 1 apply here as well. The 35 U.S.C. § 102 rejection

[4] "An Adapted Fan Sampling Scheme for 3-D Algebraic Reconstruction in Linear Tomosynthesis," October 2002, IEEE Transactions on Nuclear Science, Vol. 49, No. 5, pages 2366-2372).
[5] Office Action mailed December 24, 2008, at ¶ 2.
[6] M.P.E.P. § 2143.
[7] *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

of Claim is unsupported by the cited art of record because each and every element as set forth in Claim 1 is not found in Solomon et al. Accordingly, the 35 U.S.C. § 103 rejection of dependent claims 3 and 6 based on Solomon et al. in view of Bleu is also unsupported by the cited art of record because Solomon et al. in view of Bleu does not teach or suggest all claim limitations, and the rejection must be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,
NIXON PEABODY LLP

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